

REQUEST FOR RECONSIDERATION 37 C.F.R. § 1.116
U.S. Application Number 09/545,592

It is asserted in the Office Action that it would have been obvious to modify Goldberg to use the FALSE clause disclosed in Chan to retrieve metadata. The alleged motivation for making the asserted combination is, so that “users can retrieve useful and desirable result information.” See page 3 of the Final Office Action. At page 7 of the Office Action it is stated that the “Chan reference was teaching [that] the TRUE clause and the FALSE clause must either result in zero or more item[s] being pushed onto the expression stack, (col. 19, lines 11-34).”

That portion of Chan merely explains that in certain device-specific conditional instructions (i.e., in the HP code-plus device) part of the conditional instruction represents a TRUE clause that is performed if the conditional evaluation results in a TRUE condition and part of the conditional instruction represents the FALSE clause that is performed if the condition evaluation results is a FALSE condition. Although Chan states that “both the TRUE clause and the FALSE clause must either result in zero or one item being pushed onto the expression stack,” (col. 19, lines 16-19), it is respectfully submitted that that portion of Chan merely describes the well known internal operations of a computer stack and using the stack to evaluate a conditional expression. Chan merely describes that when a TRUE clause or a FALSE clause is executed that one result will be pushed onto an expression stack or that no results will be pushed onto the stack. There is simply no teaching or suggestion in the prior art that such a low level stack operation should be used in the Goldberg system to modify a query to include a FALSE clause.

There is no support in the prior art that a person of ordinary skill in the art would be motivated to modify a query to include a FALSE clause merely because Chan discloses that a machine-level conditional instruction that contains a FALSE clause that pushes an item onto an expression stack. Neither reference suggests any need for modifying Goldberg to include a

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FALSE statement within the query. The motivation asserted in the Office Action to combine the references is so that “users can retrieve useful and desirable result information.” However, the prior art does not recognize that there is any need to modify Goldberg to retrieve any information by using a FALSE clause. Not only is there no teaching or suggestion to modify Goldberg to retrieve additional information, but neither reference, alone or in combination, teaches or suggests using a FALSE clause to retrieve metadata as required by the claims. Further, there is not even a hint in the prior art that such a combination would succeed.

It is simply impermissible to pick and choose features in the prior art to deprecate Applicant’s invention, and accordingly it is respectfully submitted that since a person of ordinary skill in the art would not have been motivated to modify Goldberg based on Chan, those references do not render the claims unpatentable.

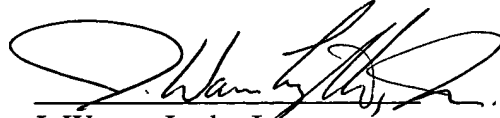
The remaining claims are rejected under 35 U.S.C. §103(a) as being unpatentable over Goldberg in view of Colby et al. (“Colby”). Colby is relied on for disclosing various query clauses such as “select”, “from”, “where” and “group by.” It is respectfully submitted that Colby does not satisfy the deficiencies of the Goldberg/Chan combination discussed above. Accordingly, it is respectfully submitted that these claims, due to their incorporation by reference of all the limitations of one of the independent claims, are not rendered unpatentable by a Goldberg/Colby combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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